

REMARKS

Applicant respectfully requests reconsideration of this application as amended. Claims 12-19, 35 and 36 are currently pending in this application.

Claim Rejections - 35 U.S.C. §103(a)

Claims 12-19, 35, and 36 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kaplan 5,342,348 in view of Mariant 6,187,027, along with Phelps 5,382,259.

The Office Action mailed on March 18, 2008 essentially relies upon Mariant to show fibers.

Applicant respectfully notes that the declaration under 37 C.F.R. § 1.131 (hereinafter, "the Declaration") filed on March 13, 2007 was accepted by the U.S.P.T.O. Applicant respectfully submits that a reduction to practice of the subject matter of the claims prior to the effective date of the Mariant reference (April 28, 1995) has already been shown.

Specifically, the Declaration stated on page 2, lines 13-16:

"1. Prior to April 28, 1995, we conceived of the invention claimed herein and prepared the invention disclosures that led to the 08/474, 779 and 08/475, 252 applications filed on June 7, 1995. Photocopies of these invention disclosures (internal tracking numbers 95003-1 and 95003-2) are attached as Exhibits C and D." (Emphasis added).

As emphasized above, at least Exhibits C and D were submitted to show prior conception and reduction to practice before the April 29, 1995 date.

Exhibit D describes fibers in at least three locations:

1. Exhibit D- Page 2, Line 16:

*"Additionally, the coils effectiveness may be improved by adding **fibers** to its structure." (Emphasis added).*

2. Exhibit D- Page 2, Lines 24-26:

*"If desired, adding **fibers** to the coils can be used to emphasize and build greater resistance to expulsion and greater copper volume per device, if the **fiber** is made from copper wire." (Emphasis added).*

3. Exhibit D- Page 2, Line 32:

*"2) coil **fibers** can be made from several polymeric materials, such as rayon or dacron, or copper wire..." (Emphasis added).*

As shown above, Exhibit D of the Declaration clearly shows the fibers being described throughout.

Therefore, in light of the foregoing arguments, applicant believes that claims 12-19, 35, and 36 are patentable over Kaplan, Mariant, and Phelps, and respectfully requests the Examiner to withdraw the rejection under 35 U.S.C. 103(a).

Please charge any shortages and credit any overcharges to our Deposit Account
No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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